

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's)	
Rules to Ensure Compatibility)	CC Docket No. 94-102
with Enhanced 911 Emergency)	
Calling Systems)	
)	
Cingular Wireless LLC)	DA-01-2080
Request for Waiver)	

COMMENTS OF TARRANT COUNTY 9-1-1 DISTRICT

The Tarrant County (Texas) 9-1-1 District (“District”) associates itself with the Comments of the Association of Public-Safety Communications Officials-International, Inc. (“APCO”), the National Emergency Number Association (“NENA”), and the National Association of State Nine One One Administrators (“NASNA”) (joined as “Public Safety Organizations”), filed today in the captioned proceeding, while adding to the discussion of Cingular’s amended waiver petition as follows.

The District agrees with the Public Safety Organizations that Cingular’s eleventh-hour conversion to the need for a reliable Phase II location solution for its TDMA and AMPs customers and roamers – with the concomitant claim that it must take on faith, untested, the “guarantee” offered by the location vendor, TruePosition – should not automatically insulate Cingular from any penalties that might arise from failure or inadequacy of the TruePosition solution. The District, however, has another reason to be skeptical of Cingular’s attempt to wash its hands of any consequences.

We expected to be taking part in a trial of SigmaOne's network solution. This arrangement seemed plausible because the wireless carrier has had kind words for the SigmaOne technology – even while concluding that it did not comply entirely with the FCC's Phase II rules. (Amended petition, 8) On the other hand, we were unaware, until the Cingular amendment of late last month, that TruePosition was even in the picture. Certainly the carrier's earlier experience with the location vendor (Amended petition, 7) would not have led an objective observer to predict Cingular's selection of TruePosition.¹

Ordinarily, the FCC should not second-guess a wireless carrier's business choice of one location vendor over another. But the District believes the Commission would be justified, under the particular circumstances of this case, in assuring itself that the prospects for success under this late-developing Cingular/TruePosition arrangement are real. The District would be distressed if it were to develop later that the untested guarantee invoked here was hasty and reckless, even if offered and accepted with good intentions.

Respectfully submitted,

TARRANT COUNTY 9-1-1 DISTRICT

By _____
 James R. Hobson
 Miller & Van Eaton, P.L.L.C.
 1155 Connecticut Avenue, N.W., Suite 1000
 Washington, D.C. 20036
 (202) 785-0600

September 19, 2001

ITS ATTORNEY

¹ We hasten to add that the District carries no brief for one vendor over another, and would have entertained trials of more than one solution. We simply find it surpassing strange that Cingular would forgo the opportunity to test for itself the SigmaOne technology that had shone well in a TDMA trial in San Antonio, in favor of an untested guarantee from a vendor whose prior Houston results it claims to be unable to disclose. *Id.* One assumes that if the Houston trials had been successful, Cingular and TruePosition could have found a way to say so generally without violating the court order (or could have asked the court for limited permission to disclose).

CERTIFICATE OF SERVICE

The foregoing "Comments of Tarrant County 9-1-1 District" were mailed today to:

J.R. Carbonell
5565 Glenridge Connector, Suite 1700
Atlanta, Georgia 30342

September 19, 2001

Barbara Lutes